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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,214	03/15/2004	Oswald Kuwert	HOE-805	2022
20028	7590	08/24/2005	EXAMINER	
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			NGUYEN, TRAN N	
			ART UNIT	PAPER NUMBER
			2834	
DATE MAILED: 08/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/801,214

Applicant(s)

KUWERT, OSWALD

Examiner

Tran N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-19 and 29-32 is/are rejected.
- 7) ☐ Claim(s) 20-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Information Disclosure Statement*

The information disclosure cited **JP-58-133139** does not include an English translation of the reference. *The Applicant is hereby request to provide an English translation of JP-58-133139* in order to facilitate the evaluation of reference's relevancy compare to the claimed invention. Your cooperation is appreciated.

### *Claim Rejections - 35 USC § 112*

2. **Claims 1-31** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Among claims 1-31**, the recited phase "positively connecting features" is indefinite because the specification as well as the claimed language does not specifically define the term "positively". Does it means firmly contact or interlocking? In light of the spec, the recited phase "positively connecting features" is understood as "firmly contact connecting features".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. ***Claims 1, 3-7, 9, 11-14 and 29-32*** are rejected under 35 U.S.C. 102(b) as being fully anticipated by **Aihara Toshihiko** (*JP 58-133139*).

**Aihara Toshihiko** discloses an electric motor, in particular a brushless electric motor, comprising: a rotor (25), a stator (12), a motor housing (11) receiving the rotor and the stator, a first bearing (13), disposed on the motor housing on a first side of the rotor, and a second bearing (13), disposed on a second side of the rotor lying opposite the first side, for the rotatable mounting of the rotor about a rotor axis, the motor housing comprising a housing body (11), which receives the stator, and a flange body (16), which receives the second bearing and can be mounted on the housing body, the flange body, when it is in an axial end position in relation to the rotor axis, being guided on the housing body against a movement transversely to the rotor axis and being fixed in relation to the housing body against a movement in the direction of the rotor axis by means of first positively connecting features (19), provided on the flange body, and second positively connecting features (18), provided on the housing body, which features can be brought into operative connection with one another by a relative movement of the flange body and housing body.

**Regarding claim 3**, the positively connecting features (18, 19) are formed in such a way that they can be fixed relative to one another against a movement in the direction of the rotor axis by a turning movement relative to one another about the rotor axis (fig 2).

**Regarding claim 4**, the positively connecting features (18, 19) interact in the manner of a bayonet fastener (figs 2-3).

**Regarding claim 5**, the one positively connecting features (19) are formed by path followers and the other positively connecting features (19) are formed by guide paths for the path followers (figs 2-3).

**Regarding claim 6**, a single axial end position of the flange body (fig 3) in relation to the housing body can be fixed by the positively connecting features (18, 19) (fig 2).

**Regarding claim 7**, the positively connecting features (18, 19) are formed in such a way that, in the axial end position, the flange body can be turned in relation to the housing body without changing this axial end position (fig 2).

**Regarding claim 9**, the flange body (16) is inserted into an opening in the housing body (11) (figs 2-3).

**Regarding claim 11**, the second positively connecting features (18) are disposed at the opening (17) in the housing body receiving the flange body (figs 2-3).

**Regarding claim 12**, the second positively connecting features (19) are disposed in the housing body in the region of an inner surface of the opening (17), facing the inserted flange body (16) (figs 2-3).

**Regarding claim 13** the first positively connecting features (19) are disposed on a side of the flange body facing the opening (17) (figs 2-3).

**Regarding claim 14**, the first positively connecting features (19) are disposed on the circumferential surface of the flange body (16).

**Regarding claim 29**, the flange body (16) can be fixedly connected to the housing body.

**Regarding claim 30**, the housing body has on a side, lying opposite the flange body, a bearing flange (unnumbered) (fig 3) receiving the first bearing (fig 3).

**Regarding claim 31**, the bearing flange is connected integrally to a housing casing of the housing body.

**Regarding claim 32**, the housing body (11) is formed from a cured composition embedding the stator (12) (fig 3).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 8, 10 and 15-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Aihara Toshihiko** in view of **Klinger (US 5747903)**.

**Aihara Toshihiko** discloses the claimed invention, except for the added limitations of the listed claims.

**Klinger**, for the purpose of facilitating the assembling of the housing and the end flange thereof, teaches an electric motor comprising a flange body (2.1) can be brought into the axial end position while being guided by guiding elements (2.11) acting parallel to the rotor axis (figs 1-2), wherein the circumferential surface of the flange body and an inner surface of the opening, facing the flange body, form the guiding elements (2.11 and 1.1). Also, Klinger's motor is configured so that the opening is an access opening for an interior space of the housing body and the opening in the housing body is dimensioned in such a way that the rotor can be inserted through it into the motor housing (figs 1-2) .

Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the motor housing by configuring a plurality of guiding elements acting parallel to the rotor axis to guide the flange body and the housing body in position, as taught by Klinger; also, configure the an access opening for an interior space of the housing body and the opening in the housing body is dimensioned in such a way that the rotor can be inserted through it into the

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motor housing, as taught by Klinger too. Doing so would provide means to facilitate the assembling of the rotor, the housing body and the end flange thereof.

5. **Claims 17-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Aihara Toshihiko** in view of **Irie (JP 403139138)**.

**Aihara Toshihiko** discloses the claimed invention, except for the added limitations of the listed claims.

**Irie**, for the purpose of preventing the bearing receptacle portion being worn and to maintain the gap therebetween the stator and the rotor, teaches to employ a resilient element (10) having elasticity is mounted on the outer periphery of a bearing (6a). This resilient element is installed such a way that it would enable the bearing (6a) to be movable in the axial direction with respect to the rotor axis.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the motor housing by employing a resilient element supporting the bearing in axial direction in such a way that the bearing can be movable in the axial direction, as taught by Irie. Doing would provide means to prevent the bearing receptacle portion of the flange body being worn and to enable the gap between the rotor and the stator to be maintained at designed distance.

#### ***Allowable Subject Matter***

**Claims 20-28** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

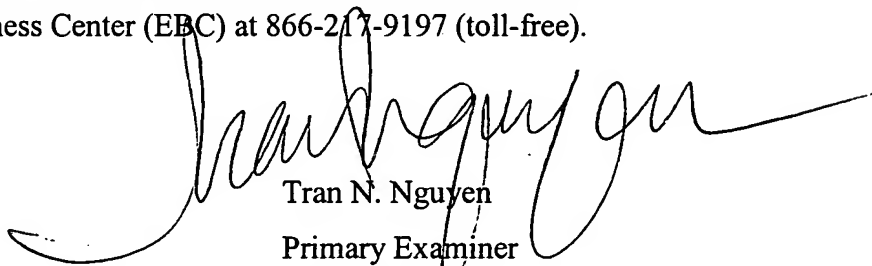
#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N. Nguyen whose telephone number is (571) 272-2030. The examiner can normally be reached on M-F 7:00AM-4:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571)-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tran N. Nguyen', is written over the printed name and title.

Tran N. Nguyen  
Primary Examiner  
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